



# TONAWANDA NEWS

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## Town of Tonawanda stench raises air quality concerns

By Stacey Shepard  
Friday, February 25, 2005

Lou McNett has pinned the stink down to three distinct odors — the smell iodine, freshly laid pavement and burning Spam.

Those are the odors that frequently waft through his neighborhood on Kal Avenue in the heart of the Town of Tonawanda's industrial zone.

The stench brought McNett and about 15 other residents from the Town, Tonawanda and Kenmore to a community meeting Thursday night that addressed the safety of the air they breathe.

The gathering was organized by the Clean Air Coalition of Western New York formerly known as Toxic Tonawanda, and the Citizens' Environmental Coalition, a statewide grassroots environmental group, in response to air tests they conducted that showed elevated levels of chemicals in the air near two To businesses.

"Our goal is to find out what we're breathing and is it safe," said Tim Logsdon director of the Clean Air Coalition of WNY.

The results of the groups testing showed levels of benzene near NOCO's farm on Grand Island Boulevard exceeded New York guidelines. Levels of disulfide near the 3M-O-Cello plant on Sawyer Avenue were above guidelines in Texas, Louisiana and North Carolina.

Even though levels of carbon disulfide did not exceed New York state guidelines, Logsdon said "what's good for other states is good for New Yorkers."

Exposure to benzene can cause cancer, according to a fact sheet from the New Jersey Department of Health and Senior Services, passed out at the meeting.

"There may be no safe level of exposure to a carcinogen, so all contact should be reduced to the lowest possible level," according to the fact sheet.

Officials with the Department of Environmental Conservation said there are other possible sources of benzene in the Town, from the Tonawanda Coke plant and a Sunoco terminal, both located on River Road.

"We feel this underscores the need for more comprehensive air monitoring in the community," said Mike Schade, director of the Citizens' Environmental Coalition.

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Eight of the county's biggest polluters are located in the Town of Tonawar including the NRG Huntley Station, the state's third largest polluter, according to figures from 2002 provided on [scorecard.org](http://scorecard.org), a Web site that provides environmental information obtained from government entities.

"We don't want to put these companies out of business," Schade said. "But they have a lot of money and they can afford to make improvements."

The groups are hoping to meet with local businesses suspected of contributing to odors and the elevated levels of chemicals in the air.

Officials from 3M have already agreed to discuss the results of the air test with the groups.

There's more to this story! See today's copy of the Tonawanda News for the rest. Or call 693-1005 to subscribe.

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## Clean Air Coalition of WNY Citizens' Environmental Coalition

**118.02**  
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EXHIBIT  
1:10-cr-00219

### CONTACT:

Tim Logsdon, *Clean Air Coalition of WNY*, 716-692-7743  
Mike Schade, *Citizens' Environmental Coalition*, 716-885-6848

### **Fact Sheet on July 20, 2004 Air Sample Near 3M**

**Background:** The "Bucket Brigade" is a group of concerned citizens that use a bucket specially designed to measure chemicals in the air, and then work with local factories to remove harmful toxins from contaminating their neighborhood. The "Bucket" is named for an easy to use air sampling device housed inside a 5 gallon plastic bucket. The Bucket was developed in Northern California in 1995 by an environmental engineering firm in order to simplify and reduce the costs of widely accepted methods used for testing toxic gases in the air. After sampling the air, the sample is sent to an EPA certified laboratory for testing.

**Mission:** The Clean Air Coalition of Western New York is concerned about the air quality in Western New York and we desire to work hand in hand with local businesses, government agencies, university and colleges and other environmental and community groups to determine what we can do together to improve the air quality in Tonawanda and surrounding areas.

### **Bucket Test Results:**

**Where:** July 20, 2004 at 11:00pm across from the 3M facility at 340 Sawyer Avenue in the Town of Tonawanda. The wind direction was SSW 8 miles per hour. The temperature was 69° with 90% humidity.

**Method:** a "bucket" style design, assembled by The Citizens Environmental Coalition and accepted by the EPA as a valid and reliable collection unit. The air sample was then placed in an overnight delivery box and transported to a California laboratory. A "chain of custody" sheet was used to confirm every handler of the sample and parcel.

### **Lab Results:**

#### **Carbon Disulfide: 100 ppbv**

This amount **exceeds** the:

Texas Short-Term Screening Level of **9.47 ppbv**

No health effects are thought to occur **below** this level

Texas Long-Term Screening Level of **0.947 ppbv**

Louisiana 8-Hour Ambient Air Standard of **22.5 ppbv**

Concentrations above this level are **illegal** in Louisiana.

North Carolina 24-Hour Ambient Air Standard of **58.7 ppbv**

Concentrations above this level are **illegal** in North Carolina.

**Carbon Disulfide** is a colorless to faintly yellow liquid with a strong disagreeable odor. It is used in the manufacture of viscose rayon, cellophane, carbon tetrachloride and flotation agents. Exposure can cause headaches, nausea, dizziness, fainting and death. It is a flammable liquid and a fire hazard. Carbon disulfide is slightly soluble in water.

**The following chemicals were also found:**

- Ethanol – 48 ppbv
- Isopropyl Alcohol – 19 ug/m3
- Acrylonitrile – 5.8 ug/m3
- Toluene – 1.8 ppbv

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**About the Clean Air Coalition of WNY and Citizens' Environmental Coalition:** The *Clean Air Coalition of WNY*, formerly the *Coalition of Toxic Tonawanda, Kenmore and Riverside* is a community based grass roots organization focusing on monitoring and remediation of industrial air pollution sources on or near River Road in Town of Tonawanda (immediately south of the Grand Island bridge). Our thanks to Professor Joseph Gardella, Department of Chemistry, University at Buffalo and Mike Schade, Citizens Environmental Coalition for their generous support and assistance.

Citizens' Environmental Coalition's mission is to eliminate toxic pollution from homes, workplaces, schools and communities by empowering people. CEC has grown into 110 community, labor, and environmental health and justice groups and over 14,000 individuals, with offices in Albany and Buffalo over the past 20 years. To learn more about the Citizen's Environmental Coalition, visit [www.ceptoxic.org](http://www.ceptoxic.org)

For more information on grassroots air monitoring and it's effectiveness in addressing industrial pollution, visit: [www.bucketbrigade.net](http://www.bucketbrigade.net)

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Special to the News  
lanned for the homeless and

## ow mission en's shelter

ment. None of that will change," she said.

But women will have more programs to choose from in the new facility, said Warkentin.

"We don't force anybody to believe anything," she said.

Doar said the state commonly funds faith-based groups and did not have an issue with the spiritual components of Cornerstone Manor.

The new facility is getting about \$5 million additionally from the state through the complex "sale" of tax credits to a lender. Other funds are coming through private donations.

Mission officials hope to be able to move in by early 2006.

e-mail: jtkasas@buffnews.com

## lk to bolster s in city



Ronald J. Collier/Buffalo News  
English skills by teacher  
hael Gueriot, of IBM.

technology and its use in law, medicine, education and the church from 6 to 9 p.m. Friday in Linwood Church of Christ, 2523 Main St.

For more information, contact the Urban League at 854-7625.

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Salman Ruchdin

Burton, 25, of Elmwood Ave., was charged with fourth-degree assault. Justice Russell P. Buscaglia he is sorry for what happened to David Brown, 45, last April 11 but insisted he didn't take part in the assault.

Buscaglia, who will sentence

who they believe started the violent mugging got off with a one-year suspended sentence. The judge said the prosecutors and is already out of jail.

Bennetha Tan and Kennetha Jones, twin cousins of Brown, said they are satisfied that "justice was done" to Burton. But they are

one, and that he threw the first punch that has left their cousin in a coma.

Martin's brother Calvin Martin, 21, faces sentencing March 9 on his felony assault plea in the case.

e-mail: mgryta@buffnews.com

## TOWN OF TONAWANDA

# Two plants accused of air pollution

By EMMA D. SAPONG

NEWS NORTHTOWNS BUREAU

High levels of toxic chemicals were found around two Town of Tonawanda plants, according to independent air-quality testing conducted by two environmental groups.

But state officials and representatives from the businesses question the results, saying they weren't consulted and haven't received the findings.

The Clean Air Coalition of Western New York and Citizens Environmental Coalition teamed up during a news conference Wednesday to announce they found dangerous chemicals, carrying serious health risks, around the 3M-O-Cello plant on Sawyer Road and NOCO on Grand Island Boulevard. The groups have scheduled a public meeting for 7 p.m. Feb. 24 in Holmes Elementary School, 249 Thorncliff Road.

The testing used the "brigade bucket" method, in which residents collect air samples in specially designed plastic buckets. The samples are then sent for testing to a laboratory certified by the U.S. Environmental Protection Agency. Air samples were taken from the 3M-O-Cello plant area last July and around NOCO last August.

"We took these samples because the people living here have the right to know what is in the air that they are breathing, and what risks they may be taking by breathing these chemicals," said Tim Logsdon, director of Clean Air Coalition. Logsdon said there is a community concern about chemical smells in the air.

"Our samples, which were examined by an EPA-certified laboratory, showed readings that far exceed many of these standards and that significant levels of chemicals are crossing the fence lines of these facilities," he said.

The levels of carbon disulfide found around NOCO are 400 times higher than the amount allowed by the state and the benzene levels in the area of 3M-O-Cello were higher than allowed by the states of Texas, Louisiana and North Carolina, the groups said.

"While the chemical was below New York guidelines, what's good for Texas and Louisiana is good for New York," said Michael

Schade, Western New York director of Citizens Environmental Coalition.

Schade said exposure to carbon disulfide can cause headaches, nausea, dizziness, fainting and chest pains. He described benzene as "one of the most dangerous chemicals in use," which can cause cancer and other serious health problems.

Schade said he wants the DEC, EPA and state attorney general's office to investigate and create a plan to reduce the pollutants. The groups also want community and environmental organizations to be involved in an effort to create a comprehensive air-monitoring procedure for the area.

Meaghan Boice-Green, a spokeswoman for the state Department of Environmental Conservation, said she couldn't comment because the agency isn't familiar with the testing.

Jim Korczykowski, general manager of NOCO's fuel division, also declined to comment, saying the company is unfamiliar with the test results.

Earl Wells, a NOCO spokesman added: "The company is in full compliance with all DEC regulations."

Ron Smith, environmental health and safety manager at 3M-O-Cello, said the company is "well within our permit level" and — over the past three years — has decreased the level of carbon disulfide emissions by 40 percent.

He also said the company is embarking on a project that will further cut back on those pollutants and plans to meet with the environmental groups.

"We will do what it takes to be good environmental stewards," he said.

e-mail: esapong@buffnews.com

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Wednesday,  
Feb. 23, 2005  
Tonawanda News

Page designer: Jocelyn Delmar

**118.04**  
**GOVERNMENT**  
**EXHIBIT**  
**1:10-cr-00219**

## New air samples show high levels of toxic chemicals

TOWN OF TONAWANDA:

*Environmental groups  
to hold public meetings  
Thursday.*

BY STACEY SHEPARD  
shepards@gnnews.com

Two local environmental groups are calling for better monitoring of emissions from businesses in the Town of Tonawanda.

The groups claim independent air quality tests they conducted show high level of chemicals being released into the air. The tests were taken by the Clean Air Coalition of Western New York and the Citizens' Environmental Coalition in July and August, and analyzed in labs certified by the Environmental Protection Agency.

The results showed levels of benzene near NOCO's tank farm on Grand Island Boulevard exceeded New York guidelines. Levels of carbon disulfide near the 3M-O-Cello plant on Sawyer Avenue were above guidelines in Texas, Louisiana and North Carolina.

The levels from the sample near NOCO were 400 times the amount allowed by New York guidelines.

A spokesperson for the Department of Environmental Conservation and officials from both companies said the businesses are in compliance with state regulations. DEC and representatives from 3M-

### If you go

■ **WHAT:** Community meeting on the results of air samples in the Town of Tonawanda

■ **WHEN:** 7 p.m. Thursday

■ **WHERE:** Kenmore Presbyterian Church, 2771 Delaware Ave., Kenmore

■ **CONTACT:** Clean Air Coalition of Western New York, (716) 692-7743

benzene in the area where the tests were done — the Tonawanda Coke plant and a Sunoco terminal.

3M is the only big user of carbon disulfide in the area, Boice-Green said.

The DEC has received no complaints for either facility in the past two years, but there were three complaints against NOCO in 2000, according to records. The DEC has also conducted inspections of both businesses in the past year.

"The company is in full compliance with all DEC regulations," said Earl Wells, a spokesman for NOCO. "We work closely with DEC in monitoring emissions."

"3M has been made aware of the groups' statements and we have agreed to meet with them," said Steve Edwards, a spokesman for the company. "We need to understand better the methodology they used to collect the data and the locations at which the

O-Cello are planning to meet with environmental groups about the testing.

Meanwhile, the two environmental groups will hold a community meeting Thursday to discuss the results of the tests and grants to conduct further testing.

"I'm concerned about the air living here in the city," Tim Logsdon, director of the Clean Air Coalition of Western New York, said.

Logsdon, a City of Tonawanda resident, said he was prompted to become involved with air quality testing because of strong odors in the air near his home, and a film of dark dust that accumulates on his pool cover.

He's concerned about public health impacts from chemicals in the air.

"I feel like I'm doing somebody else's job," he said. "I wish whoever was supposed to be monitoring this would do their jobs."

DEC spokesperson Meaghan Boice-Green said aside from NOCO, there are two other potential sources of

data was generated.

In the last three years, 3M has implemented pollution control measures that cut its carbon disulfide emissions by more than 40 percent, Edwards said.

"We take our environmental performance very seriously and our efforts to reduce our impact on the environment," he said. "The health and safety of our employees and our neighbors is a top priority."

Logsdon and members of the Clean Air Coalition of Western New York hope that by meeting with the companies, they will agree to cut down on some of their emissions.

"I'd like to get some of the plants to cut down a little bit on the pollution they're putting in to the air," Logsdon said. "Just so the smells aren't so bad. I know it's not going to stop, but I want them to make it a little more manageable."

Contact Stacey Shepard  
at (716) 693-1000, Ext. 114

TCC00091754

118.04-0001

## **Air Samples Reveal High Concentrations of Toxic Chemicals Near Chemical Plants in Tonawanda!**

### **Analysis Reveals Radioactive Radium Exceeding Guidelines - 200 ft. from Holmes Elementary School!**

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Find out the latest information regarding environmental  
issues in Tonawanda at the next meeting of the *Toxic  
Tonawanda and Clean Air Coalition of W.N.Y.*

**Where: Holmes Elementary School  
365 DuPont Ave.,  
Tonawanda, N.Y.**

**When: February 24<sup>th</sup>, 2005  
7-8:30 pm**

**Plus: There is good news for Tonawanda too!**

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NRG-Huntley power plant, approximately \$1.5 will be provided to  
the Tonawanda community through environmental projects)**

**About the Clean Air Coalition of WNY :** The *Clean Air Coalition of WNY*, and offshoot  
of the *Coalition of Toxic Tonawanda, Kenmore and Riverside* is a community based  
grass roots organization focusing on monitoring and remediation of industrial air pollution  
sources on or near River Road in Town of Tonawanda (immediately south of the Grand  
Island bridge). Our thanks to Professor Joseph Gardella, Department of Chemistry,  
University at Buffalo and Mike Schade, Citizens Environmental Coalition for their  
generous support and assistance.

**Contact Info:** Tim Logsdon, *Clean Air Coalition of WNY*, 716-692-7743  
Mike Schade, *Citizens' Environmental Coalition*, 716-885-6848



August 21, 2009

Honorable Charles E. Schumer  
United States Senator  
130 South Elmwood Avenue – Suite 660  
Buffalo, New York 14202

Re: Regional Air Emissions– Benzene Levels

Dear Senator Schumer:

We are receipt of your letter, dated June 22, 2009, relative to the above-entitled matter. We initially apologize for the delay in providing our response – your letter was misdirected and we only became aware of it recently. With our apologies, we provide this response.

Initially, we note that our company has been and continues to be in full compliance with its lawfully issued DEC air permit. The extensive monitoring, maintenance, testing, and reporting that is required under our DEC permit confirms this and not once has our facility been cited for an air permit violation or air release(s) in excess of DEC air quality standards. Our company remains diligent in its compliance efforts and, we believe, compliance is the reward for those efforts. Our company has also maintained its commitment to working with DEC to review, analyze, and then implement, when appropriate and reasonable, emissions and odor control technology at our facility.

And, with all due respect, while we have heard such claims before, the assertion in your letter that Tonawanda Coke is the sole or primary source of excess benzene levels in the Tonawanda region or regional air corridor is incorrect and cannot, in our view, be substantiated. Indeed, a claim that *any* specific manufacturing or industrial facility in Tonawanda is directly responsible for regionally levels of benzene in excess of air quality standards cannot be substantiated. Nor does, in our view, the Tonawanda Community Air Quality Study, an ambient air quality study, stand for that proposition. It's a red herring, bun with no burger claim.

We understand, however, the ease with which industry can be made targets of, often unfounded, allegations of environmental harm and how attractive those claims can be to media. The one thing that has evolved over this time is that while these type of allegations play well with the media, they usually cannot be sustained when viewed in the clear light of supportable facts, science and analysis. Saying so (or hearing others say so), in other words, does not make it so.

One significant consideration that is almost always overlooked is the fact that “motor vehicles are by far the single largest source of air pollution in New York State” as noted by DEC since the early 1990’s. It has been estimated that automobiles contribute over 50% of the air loading for ozone, carbon monoxide, and other toxics, including benzene. (By no coincidence, all four of the monitoring stations in the DEC Study were located near NYS interstate highways).

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Honorable Charles E. Schumer  
United States Senator  
August 21, 2009  
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New York has also recognized that the primary means of attaining the air quality standards is to achieve vehicle emission reductions. So, it is simply false to claim that manufacturing or industrial entities are significantly contributing to any State or regional air contamination problem – motor vehicles are clearly the majority source of air contaminant levels in our area and, indeed, in almost all non-attainment areas in the country.

The focus of the 1990 Clean Air Act was to revitalize efforts to achieve clean air. Data shows that these efforts have largely been rewarded with order-of-magnitude reductions in quantitative amounts of contaminants in our air, including, to some extent, emissions from motor vehicles. Reductions in all contaminant levels have been immediate and significant, including, specifically, benzene levels which have been reduced statewide during this time by almost ten fold. And while we have made significant strides in reducing emissions from industrial and manufacturing facilities and, to some extent, from motor vehicles, those net gains since the Clean Air Act of 1990 have been lost not by industrial or manufacturing emission exceedances, but, again, by the increase in the number of people and motor vehicles. It is both wrong and factually inappropriate, then, in our view, to assert that industrial or manufacturing facilities (specifically or as a whole) are the source of regional air quality issues or health risks you and others have asserted.

Finally, you are aware that manufacturing and industrial facilities, including ours, are closely monitored by the regulatory agencies to assure full compliance with air quality standards, whereas other sources are not. Extensive monitoring, maintenance, testing, and reporting is required under any regulatory permit which provides, through third party review, a firewall to prevent facility releases that could be in excess of air quality standards. The stringent regulatory oversight by the agencies would require no less than full compliance. The same cannot be true for entities which are not under the microscope created by a regulatory permit, even though these activities may be causing significant release of contaminants (motor vehicles, open burning, uncontrolled fueling, train and truck idling, among others), including benzene.

Our company has been a good neighbor in the Town of Tonawanda for decades. We have made significant investments in our community, have maintained needed jobs and tax revenues that make our community better, and have fostered economic development in the Town. The company has made those commitments when many others have not. We appreciate, as a result, your support of manufacturing in New York.

We thank you for your comments on these important issues and we encourage you to continue your support of business and investment in our community. In the meantime, we can assure you that we will fulfill our commitment to stay in compliance with all governing environmental regulations and work towards enhancing and improving our operational performance when and where appropriate.

Very truly yours,

  
J.D. Crane

CEO